

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

CRP.No. 742 of 2007()

AGAINST THE ORDER IN IA.2872/2005 IN
LAR.215/1998 of ADDL.SUB COURT,KOLLAM
.....

REVN. PETITIONER: CLAIMANT

1. NOORUDEEN KUTTY,KALEEKKAL VEEDU,
VADAKKUM MURI, MYNAGAPPALLY VILLAGE.
2. PATHUMMA KUNJU,
KALEEKKAL VEEDU, VADAKKUM MURI,
MYNAGAPPALLY VILLAGE.

BY ADV. SRI.K.SASIKUMAR

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
DISTRICT COLLECTOR, KOLLAM,

BY GOVT. PLEADER SMT. R. BINDU

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 20/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

M.N.KRISHNAN, J.

C.R.P.No. 742 OF 2007 C

Dated this the 20th August, 2007.

O R D E R

This civil revision petition is preferred against the order of the Subordinate Judge's Court, Kollam in refusing to review the award passed in L.A.R.215/98. A perusal of the original award would reveal that the counsel for the revision petitioner did not prosecute the matter properly and were absent and the court therefore held that the land acquisition officer had considered the matter on merits and confirmed that order. The review application filed by the revision petitioner was dismissed on the ground that benefits under Section 23(1A) of Land Acquisition Act cannot be claimed in a review application. The purport of the review application was to reconsider the question of giving an opportunity and since the court did not consider all the materials available before it properly, the award required review at the hands of the court. The matter has not been considered in that perspective. Therefore, I set aside the order of review and direct the land acquisition officer to consider the matter afresh bearing in mind the principles of natural justice that a party should be always given an opportunity of being heard in matters especially involving compensation. I have given

notice to the Govt. Pleader from the court itself and heard the Govt. Pleader as well. It is made clear that in case the land acquisition court allows the review application the question of awarding interest for the period of absence of the claimant and the restoration i.e by allowing the review application may be considered by the land acquisition court. Parties are directed to appear before the court below on 19.9.2007. C.R.P is disposed of accordingly.

M. N. KRISHNAN
Judge